

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

LINDA BRADLEY, et al.,

Plaintiffs,

v.

T-MOBILE US, INC., et al.,

Defendants.

Case No. 17-cv-07232-BLF

**ORDER RE JURISDICTIONAL  
DISCOVERY, DEADLINE FOR 5AC,  
AND PROPOSED MOTIONS**

[ECF 171]

On March 13, 2020, this Court granted Defendants' Motion to Dismiss the Fourth Amended Class and Collective Action Complaint with leave to amend. ECF 169. The Court also granted Plaintiffs' request for jurisdictional discovery, as narrowed by Plaintiffs' Letter at ECF 168 to exclude ads that were not age-restricted. *Id.* at 29. The Court instructed the parties to develop a discovery plan and to propose a deadline for Plaintiffs to file any Fifth Amended Class and Collective Action Complaint ("5AC"). In a joint statement filed on March 20, 2020, the parties provided their proposals on these issues; they also raise a number of related disputes. ECF 171. The Court rules on these as follows.

First, the Court adopts the parties' jointly proposed schedule for Plaintiffs' jurisdictional discovery request. That schedule is reproduced below:

| Event  | Deadline                               |
|--|--|
| Defendants will produce non-privileged, responsive documents to Plaintiffs' jurisdictional discovery Requests for Production ("RFP") Nos. 1 and 2, ECF No. 165 at 9-10, in their possession, custody, or control, subject to the Court's exclusion from these two requests ads that were not age-restricted. The parties agree that the relevant period for these two requests is between December 20, 2016 and December 20, 2017. | April 20, 2020, or earlier if feasible |

|                  |  |                                      |
|------------------|--|--------------------------------------|
| 1<br>2<br>3<br>4 | Defendants will produce any remaining non-privileged, responsive documents from RFP Nos. 1 and 2, above, and will produce nonprivileged, responsive documents to Plaintiffs' RFP No. 3, ECF No. 165 at 11, in their possession, custody, or control. The parties agree that the relevant period for this request is between December 20, 2016 and December 20, 2017. | May 20, 2020, or earlier if feasible |
|------------------|--|--------------------------------------|

5 ECF 171 at 1-2.

6 Second, the Court DENIES Defendants' request for jurisdictional discovery, *see* ECF 171 at  
7 4-5. At the outset, the Court notes that Defendants lodge their request for the first time in the instant  
8 joint statement, despite many past opportunities to do so. Moreover, though Plaintiffs justified their  
9 need for limited jurisdictional discovery under the present circumstances, *see* ECF 169 at 29,  
10 Defendants' request is not similarly warranted at the pleading stage. Defendants simply seek to  
11 mount a factual attack on Plaintiffs' standing, which they remain free to do at the summary judgment  
12 stage. Jurisdictional discovery would only unnecessarily prolong this litigation.

13 Third, the Court adopts the parties' jointly proposed deadline for Plaintiffs' 5AC: **June 10,**  
14 **2020.** As stated in the Court's Order on Defendants' Motion to Dismiss the Fourth Amended Class  
15 and Collective Action Complaint, leave to amend was limited to the defects discussed in that order  
16 and in Defendants' motion. ECF 169 at 29. Should Plaintiffs seek to add new parties or claims, or to  
17 add allegations that extend beyond the previously identified defects, they must file a Motion for Leave  
18 to Amend. The Court will not adopt any briefing schedule for that hypothetical motion at this time.

19 Fourth, the Court adopts Defendants' proposed schedule for any motion to dismiss the  
20 anticipated 5AC; that is, Defendants must file any such motion **within 30 days** after Plaintiffs file the  
21 5AC. The parties may reserve a hearing date for any motion to dismiss up to 14 days before filing the  
22 motion; note that the motion must be filed within 14 days of making the reservation, or else the  
23 reservation will expire. Once the motion is filed, the parties may adopt a briefing schedule, which must  
24 ensure that the Reply is filed at least 14 days before the hearing date. The Court also DENIES Plaintiffs'  
25 request to condense briefing, *see* ECF 171 at 6: The page limits will be the usual 25 pages for the Motion  
26 and Opposition and 15 pages for the Reply; no incorporation by reference of previously filed exhibits or  
27 other documents will be permitted.  
28

**IT IS SO ORDERED.**

Dated: March 23, 2020

A handwritten signature in black ink, reading "Beth Labson Freeman", written over a horizontal line.

BETH LABSON FREEMAN  
United States District Judge